?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 23.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

+Crl.O.P.(MD).No.17510 of 2016
and
Crl.M.P(MD)Nos. 8699 of 2016

#K.Umadevi : Petitioner

Vs.

$V.Kumaran : Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.275 of 2016 on the file of the learned Fast Track Court No.II, (Magistrate Level), Madurai and quash the same.

!For Petitioner : Mr.AK.Azagarsami
^For Respondent : No Appearance

:ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.275 of 2016 pending on the file of the learned Fast Track Court No.II, (Magistrate Level), Madurai.

2.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant who are close relatives were jointly running the cement and readymade retail business for more than ten years. At that time, the petitioner had left behind signed cheques which were unfilled and thereafter, the business itself was closed. Subsequently, there was a family dispute between the parties. Therefore, in order to wreck vengeance, the respondent has chosen to misuse the cheques and has filed the criminal complaint before the court below.

3.The learned counsel for the petitioner has also brought to the notice of this court, the detailed reply notice given by the petitioner, for the statutory notice issued by the respondent.

4.In the said reply notice, the petitioner had also categorically stated that the cheques have been misused and remaining four cheques will have to be returned back to the petitioner.

5.The grounds raised by the learned counsel for the petitioner are factual in nature and the same has to be raised before the court below in the

course of proceedings and the court below shall consider the same on its own merits and in accordance with law.

6.The learned counsel for the petitioner would submit that the presence of the petitioner shall be dispensed with pending disposal of the complaint.

7.Accepting the said submissions, the presence of the petitioner shall be dispensed with before the court below and the petitioner shall be represented by a counsel. The petitioner shall present before the court at the time of questioning under Section 313 of Cr.P.C and at the time of passing of the judgment. The learned counsel for the petitioner shall examine the witnesses on the same day, they are examined in Chief and the petitioner shall not dispute the identify of any witness.

8.In the result, this Criminal Original Petition is dismissed and the court below is directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

To

1.The Fast Track Court No.II, (Magistrate Level),
Madurai

2.The Section Officer,
Criminal Section (Records)
Madurai Bench of Madras High Court,
Madurai.